

Appl. No. 10/071,599
Atty Docket No. AA542
Response dated December 1, 2004
Reply to Office Action dated September 1, 2004

REMARKS

Claims 1-3, 5-11 and 13-23 are pending for review and consideration. Claims 1 and 21 have been amended to incorporate the limitations of claim 4 and to further clarify the invention by requiring that the aqueous liquid is compatible with household surfaces and does not discolor fabrics and hard surfaces. Support for this amendment is found, at least, on page 4, lines 25-31 of Applicants' specification. Claim 4 has been cancelled. Claim 5 has been amended to correct its dependency in view of the deletion of Claim 4. Claim 6 has been rewritten in independent form.

REJECTIONS UNDER 35 U.S.C §102

The Rejection of Claims 1-5, 10, 11, 15, 18, and 19 in view of Brown

Claims 1-5, 10, 11, 15, 18, and 19 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent 4,331,653 issued to Brown, et al. ("Brown"). Applicants respectfully traverse this rejection since Brown does not disclose each and every limitation of the present invention. Specifically, Brown does not disclose, among other elements, an allergen neutralization composition for use on household surfaces that does not discolor fabrics and hard surfaces.

Brown's topical skin application includes waxes such as beeswax and other wax fillers. These waxes would build up on household surfaces and discolor them. However, Applicant's amended Claim 1 requires that the allergen neutralization composition is a sprayable aqueous liquid that is compatible with household surfaces and does not discolor fabrics and hard surfaces. Therefore, Brown does not disclose each and every limitation of the present invention. Applicants contend that the Brown reference does not anticipate Applicants' claimed invention and respectfully request that this rejection be reconsidered and withdrawn.

The Rejection of Claims 1, 2, 9-11, 15, and 18-23 in View of Tvedten

Claims 1, 2, 9-11, 15, and 18-23 were rejected under 35 U.S.C. Section 102(b) as being anticipated by WO 98/30236 to Tvedten ("Tvedten"). Applicants respectfully traverse since Tvedten does not disclose an allergen neutralization composition containing all of the elements of Applicants' claimed invention. Specifically, Tvedten does not disclose an allergen neutralization composition wherein less than 10% by weight of the aluminum ion is provided as aluminum chlorohydrate. Therefore, Applicants contend that the Tvedten reference does not anticipate Applicants' claimed invention.

Appl. No. 10/071,599
Atty Docket No. AA542
Response dated December 1, 2004
Reply to Office Action dated September 1, 2004

REJECTIONS UNDER 35 U.S.C §103

A. The Rejection of Claims 9, 13, and 14.

Claims 9, 13, and 14 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Brown. Applicants respectfully traverse this rejection. The reference does not establish a *prima facie* case of obviousness since it does not teach or suggest all of Applicants' claim limitations (see MPEP 2143.03). Specifically, Brown does not teach or suggest an allergen neutralization composition for use on household surfaces that does not discolor fabrics and hard surfaces. Brown's topical skin application includes waxes such as beeswax and other wax fillers. These waxes would build up on household surfaces and discolor them. This was not an issue for Brown, who teaches using his composition to curtail bleeding and skin disorders. Therefore, one skilled in the art would not have been motivated to remove the waxes from Brown's formulation. Since Brown does not teach or suggest an allergen neutralization composition for use on household surfaces that does not discolor fabrics and hard surfaces, a *prima facie* case of obviousness has not been established. As a result, Applicants contend that their claimed composition is novel and unobvious and that the rejection under 35 U.S.C. 103(a) should be withdrawn.

B. The Rejection of Claims 6-8.

Claims 6-8 were rejected under 35 U.S.C. Section 103(a) as being anticipated by Brown in view of U.S. Patent 5,916,541 issued to Stewart. Applicants respectfully traverse this rejection. The references do not establish a *prima facie* case of obviousness since there is no suggestion or motivation to combine the references, as required in MPEP 2143.01. Specifically, there is no suggestion or motivation to use the polymer of Stewart in a sprayable liquid, such as that disclosed by Brown.

Stewart teaches that his polymer-containing composition only becomes functional by rubbing the composition onto the skin (see Col. 10, lines 39-46). In addition, Stewart emphasizes the criticality of his particular combination of ethoxylated fatty acid ester, hydrophobically modified acrylic acid copolymer, film former, oxybenzone and DEET to form a stable emulsion (see Col. 10, lines 37-41). As Stewart states, "It was only after numerous failed attempts that the invention was finally achieved" (Col. 10, lines 54-55).

One skilled in the art would not be motivated by Stewart's disclosure to try putting his film former in a completely different, sprayable composition, such as that disclosed by Brown. Since

Appl. No. 10/071,599
Atty Docket No. AA542
Response dated December 1, 2004
Reply to Office Action dated September 1, 2004


there is no suggestion or motivation to use the polymer of Stewart in Brown's sprayable liquid composition, a *prima facie* case of obviousness has not been established. As a result, Applicants contend that their claimed composition is novel and unobvious and that the rejection under 35 U.S.C. 103(a) should be withdrawn.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. Should any fee be required, please charge such fee to Procter & Gamble Deposit Account No. 16-2480.

Respectfully submitted,

FOR: Akikazu (nmn) Yoshikawa, et al.

By: 
Brent M. Peebles
Attorney for Applicants
Registration No. 38,576
(513) 627-6773

Dated: December 1, 2004
Customer No. 27752